

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LON L. HAMPTON,

Petitioner,

v.

Civil No. 5:12-14401

HONORABLE JOHN CORBETT O'MEARA

UNITED STATES DISTRICT JUDGE

STEVEN RIVARD,

Respondent,

\_\_\_\_\_ /

**OPINION AND ORDER DENYING THE  
MOTION FOR RECONSIDERATION**

On March 26, 2014, the Court denied petitioner's application for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 and further denied petitioner a certificate of appealability or leave to appeal in forma pauperis. *See Hampton v. Rivard*, No. 2014 WL 1260162 (E.D. Mich. March 26, 2014). Before the Court is petitioner's motion for reconsideration. For the reasons stated below, the motion for reconsideration is DENIED.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001); *See also Williams v. McGinnis*, 192 F. Supp. 2d 757, 759 (E.D. Mich. 2002). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different

disposition of the case must result from a correction thereof. *Williams*, 192 F. Supp. 2d at 759; *MCI Telecommunications Corp. v. Michigan Bell Telephone Co.*, 79 F. Supp. 2d 768, 797 (E.D. Mich. 1999). A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Petitioner's motion for reconsideration will be denied, because petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied petitioner's habeas application and declined to issue a certificate of appealability or leave to appeal *in forma pauperis*. See *Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

### **ORDER**

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration [Dkt. Entry # 15] is **DENIED**.

s/John Corbett O'Meara  
United States District Judge

Date: April 18, 2014

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 18, 2014, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager